

# Notice of Allowability

Application No.

09/471,696

Examiner

James A. Kramer

Applicant(s)

SRINIVASAN, THIRU

Art Unit

3627

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief files 11/28/05.
2. ☒ The allowed claim(s) is/are 1-5, 8-9, 11-17 and 21-23, as originally numbered.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Copy of claims from Amendment submitted

3/7/05

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Kallis on 2/3/06.

Note, the Examiner's amendment applies to the claims submitted with the Amendment After non-final Office Action submitted 3/7/05 and attached to this Examiner's Amendment for reference.

The application has been amended as follows:

1. In claim 1, replace lines 20-22 with: "monitoring the scan site with the auction sites using electronic data interchange messaging to compare the sale product identifiers on the auction sites with the desired product identifier placed on the scan site in order to enable the sellers to determine the products for sale that are desired by the buyers."
2. In claim 11, replace lines 18-20 with: "where in the auction host computers monitor the scan site using electronic data interchange messaging to compare the sale product identifiers on the auction host computers with the desired product identifier placed on the scan host computer in order to enable the sellers to determine the products for sale that are desired by the buyers."
3. In claim 21, replace lines 18-19 with: "monitoring the scan site with the auction sites using electronic data interchange messaging to compare the sale product identifiers on the

auction sites with the desired product identifier placed on the scan site in order to enable the sellers to determine the products for sale that are desired by the buyers.”

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

1. The present claimed invention was found to be novel over the combination of www.biddersedge.com and McGovern et al. (US Patent number 5,978,768) as described in the board decision mailed Oct. 28, 2004. Examiner notes that McGovern is submitted as the closest Patent art of record in this case.
2. As a result of the reversal from the Board of Patent Appeals and Interferences, prosecution was reopened and the claims rejected under 35 USC 103(a) as being unpatentable over Bidder's Edge and Monster.com. Examiner notes that the combination of Bidder's Edge and Monster.com stand as the closest non-patent literature in the case. Additionally, the claims as amended by the Examiner stand as novel in view of the combination of Bidder's Edge and Monster.com as the references fail to teach two-way monitoring as described in the Appeal Brief submitted 11/28/05. Specifically, the amended claimed invention requires the scan site to monitor the auction with a desired product identifier submitted on the scan site when the buyer enters a product they desire to buy. In addition, the auction site monitors the scan site with a sale product identifier submitted to the auction site when a product is placed for sale on the auction site. In other words, an item has to be first placed for sale on an auction site and then the identifier associated with this, currently for sale product is used to monitor the scan site.

Art Unit: 3627

In contrast to this two-way monitoring of the present invention, the combination of Bidder's Edge and Monster.com, require the user to enter a search string which is used to monitor the appropriate site. In other words, when a job seeker enters a resume, the identifier associated with the resume isn't used to search for jobs. Rather, the job seekers must also enter, in a separate form, identifiers associated with the searching for jobs.

3. WO 0116765 to COUPEY et al. stands as the closest foreign/world document. However the reference fails to teach two-way monitoring as claimed and therefore the presently amended claims are novel over this reference.

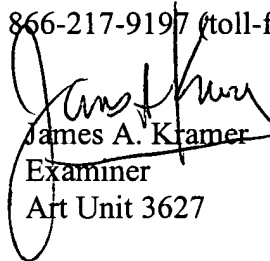
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627 2/6/06

jak